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10/830,043	04/23/2004	Ji-hun Koo	Q81048	7509
23373 7590 08/16/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER LESPERANCE, JEAN E	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/830,043

Applicant(s)

KOO ET AL.

Examiner

Jean E. Lesperance

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed June 6, 2007 is entered and claims 1-27 are pending.

Response to Arguments

2. Applicant's arguments filed June 6, 2007 have been fully considered but they are not persuasive. The applicant's representative argued that the prior art does not teach "a key information storage unit that stores key values respectively mapped to both a predefined button of the plurality of buttons of the virtual keyboard and a predefined order of the user's fingers used to select the predefined button". Examiner disagrees with the applicant because the prior art clearly teaches a ROM (280) of Fig.3 being a key information storage unit wherein storing exemplary templates of finger shapes and finger and hand heuristics in memory 280 expedites finger recognition by reducing CPU time needed to recognize and track finger positions (column 18, lines 6-9) and the user can command the companion device to position the virtual keyboard or other input device in the proper starting position. For instance, if the user typically begins to key by placing the right hand fingers on home row J, K, L, and ":" keys, and the left fingers on F, D, S and A keys, the software will move the keys of the virtual keyboard to such a position (column 18, lines 51-56) and wherein the left fingers on F, D, S and A keys are predefined buttons in a predefined order. The applicant's representative argued that the prior art does not teach "a key determination unit that finds a selected key value by matching the selected button and order of the user's fingers with the predefined button

and predefined order of the user's fingers mapped in the key information storage unit". Examiner disagrees with the applicant because the prior art teaches (software routine Fig.3 (285) in essence moves or relocates the virtual keyboard to under the user's fingers. Such procedure may be carried out by mapping the image obtained from sensor 20 to the fingers of the template, and then mapping the touched keys to the natural position for the user, which natural position was determined during the template construction phase (column 21, lines 35-41)) wherein the software 285 is a code or routine which works with the memory 280 to store different finger positions of the user's hand and wherein the left fingers on F, D, S and A keys are selected key value by matching the selected button and order of the user's fingers with the predefined button and predefined order of the user's fingers mapped in the key information storage unit. The applicant's representative argued that the prior art does not teach "identifying a selected key value corresponding to the sensed positions of the fingers and the order of the user's fingers that are used to select the virtual button, amongst a plurality of stored key values". Examiner disagrees with the applicant because the prior art teaches templates preferably are used in the present invention to help identify user finger positions from data obtained from sensor 20. Templates can assist classification algorithm (or classifier) 285 in distinguishing boundaries between fingers when discontinuities are not necessarily apparent. For example, in FIG. 7A, the third and fourth user's fingers (fingers 3 and 4) are relatively close together (column 21, lines 15-22) wherein the sensor (20) helps to identify in the storage unit (280) the different leys like the right hand fingers on home row J, K, L, and keys, and the left fingers on F, D, S

and A keys. The applicant has to amend the claims to overcome the pertinent used prior art. Therefore, the rejection is maintained.

Specification

3. The abstract of the disclosure is objected to because it does not have the proper content of the disclosure. The content of the -present abstract is related to a ventilation interface and system. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8 and 14-18, 20, 26, and 27 are rejected under 35 U.S.C. 102(b) as being unpatentable over US Patent No. 6,512,838 by Rafii et al.

Regarding claim 1, Rafii et al. teach a 3D-input device for inputting information using a virtual keyboard (a three-dimensional sensor system 10 comprising a three-dimensional sensor 20 focused essentially edge-on towards the fingers 30 of a user's hands 40, as the fingers "type" on a substrate 50, shown here atop a desk or other work surface 60 (column 7, lines 62-66) wherein substrate 50 and/or template 70 may be referred to herein as a virtual keyboard or virtual device for inputting digital data and/or commands (column 8, lines 18-20)), comprising:

a hand position and finger order determination unit that determines (routine 285 uses Z-axis distance measurements to determine position of the fingers with respect to the rows of the virtual keyboard, e.g., distance Z1 or Z2 in FIG. 1A (column 18, lines 28-31)); a selected button, of a plurality of buttons of the virtual keyboard, that is selected by a user (a user's finger having the smallest Y-axis position or the greatest downward velocity is selected as the key entry finger, e.g., the finger that will strike one of the virtual keys on the virtual data input device (column 19, lines 10-13)); and an order of the user's fingers used to select the selected button (the user can command the companion device to position the virtual keyboard or other input device in the proper starting position. For instance, if the user typically begins to key by placing the right hand fingers on home row J, K, L, and ":" keys, and the left fingers on F, D, S and A keys, the software will move the keys of the virtual keyboard to such a position (column 18, lines 51-56));

a key information storage unit (memory and software Fig.3 (280 and 285)) that stores key values respectively mapped to both a predefined button of the plurality of buttons of the virtual keyboard and a predefined order of the user's fingers used to select the predefined button (routine 285 in essence moves or relocates the virtual keyboard to under the user's fingers. Such procedure may be carried out by mapping the image obtained from sensor 20 to the fingers of the template, and then mapping the touched keys to the natural position for the user, which natural position was determined during the template construction phase (column 21, lines 35-41)); and

a key determination unit (software routine Fig.3 (285)) that finds a selected key value by matching the selected button and order of the user's fingers with the predefined button and predefined order of the user's fingers mapped in the key information storage unit (routine 285 in essence moves or relocates the virtual keyboard to under the user's fingers. Such procedure may be carried out by mapping the image obtained from sensor 20 to the fingers of the template, and then mapping the touched keys to the natural position for the user, which natural position was determined during the template construction phase (column 21, lines 35-41)) wherein the software 285 is a code or routine which works with the memory 280 to store different finger positions of the user's hand.

Regarding claim 2, Rafii et al. teach the key determination unit (software routine Fig.3 (285)) outputs the selected key value (routine 285 in essence moves or relocates the virtual keyboard to under the user's fingers. Such procedure may be carried out by mapping the image obtained from sensor 20 to the fingers of the template, and then mapping the touched keys to the natural position for the user, which natural position was determined during the template construction phase (column 21, lines 35-41)) where the software or routine outputs the selected key value by mapping the touched keys to natural position for the user.

Regarding claim 3, Rafii et al. teach a sensing device that senses a user's finger movements (a keystroke can be sensed as commencing with a detected finger up movement followed by a quick finger down motion (column 19, lines 8-10)); and

a signal processing unit (CPU or controller Fig.3 (260)) that processes a signal output from the sensing device to detect the movement of the user's fingers(a keystroke can be sensed as commencing with a detected finger up movement followed by a quick finger down motion (column 19, lines 8-10)), wherein the hand position and finger order determination unit utilizes information output by the signal processing unit to determine the selected button and the order of the user's fingers (routine 285 uses Z-axis distance measurements to determine position of the fingers with respect to the rows of the virtual keyboard, e.g., distance Z1 or Z2 in FIG. 1A (column 18, lines 28-31)).

Regarding claim 4, Rafii et al. teach the sensing device (three-dimensional sensor Fig.1A (20) comprises a plurality of sensors (rays Fig.1A (140) arranged individually on a user's fingers Fig.1A (30) wherein the sensor (20) comprises a plurality of rays (140) which represents a plurality of sensors.

Regarding claim 5, Rafii et al. teach in the key information storage unit (memory and software Fig.3 (280 and 285)), key values are allocated to each of the plurality of buttons of the virtual keyboard based upon the number of sensors (Sensor 20 is aimed along the Z-axis to determine which of the user's finger tips 30 touch what portions of template 70, e.g., touch which virtual keys, in what time order (column 11, lines 3-6) wherein the number of portions touched of template 70 represents the number of sensors.

Regarding claim 6, Rafii et al. teach the virtual buttons are arranged so that the key values are ordered by frequency of use (Turning now to operation of three-dimensional sensor 20, the sensor emits radiation of a known frequency and detects

energy returned by surfaces of objects within the optical field of view (column 10, line 66 to column 11, line 2) wherein the sensor 20 emits radiation only when there is a number of keys being striped and depending on how many times a key or button is being pressed is the frequency of use.

Regarding claim 8, Rafii et al. teach the virtual buttons include key values that are defined by the user (When a key is actually struck (as perceived by the user's finger movement), the struck key may be highlighted using a different color or contrast. If the virtual keys are not in a correct rest position, the user can command the companion device to position the virtual keyboard or other input device in the proper starting position. For instance, if the user typically begins to key by placing the right hand fingers on home row J, K, L, and ":" keys, and the left fingers on F, D, S and A keys, the software will move the keys of the virtual keyboard to such a position (column 18, lines 47-56) wherein depending on the user's finger position, the software (285) maps the key value position to the virtual buttons.

Regarding claim 14, Rafii et al. teach a 3D-input method for inputting information using a virtual keyboard (a three-dimensional sensor system 10 comprising a three-dimensional sensor 20 focused essentially edge-on towards the fingers 30 of a user's hands 40, as the fingers "type" on a substrate 50, shown here atop a desk or other work surface 60 (column 7, lines 62-66) wherein substrate 50 and/or template 70 may be referred to herein as a virtual keyboard or virtual device for inputting digital data and/or commands (column 8, lines 18-20)) comprising:

sensing the selection of a virtual button of the virtual keyboard by a user (the sensor Fig.1a (20) detects the user's finger that touched the template (70) (virtual keyboard) (column 21, lines 37-41));

sensing positions of the user's fingers relative to the virtual button, and the order of the user's fingers that are used to select the virtual button (When a key is actually struck (as perceived by the user's finger movement), the struck key may be highlighted using a different color or contrast. If the virtual keys are not in a correct rest position, the user can command the companion device to position the virtual keyboard or other input device in the proper starting position. For instance, if the user typically begins to key by placing the right hand fingers on home row J, K, L, and ":" keys, and the left fingers on F, D, S and A keys, the software will move the keys of the virtual keyboard to such a position (column 18, lines 47-56); and

identifying a selected key value corresponding to the sensed positions of the fingers and the order of the user's fingers that are used to select the virtual button, amongst a plurality of stored key values (templates preferably are used in the present invention to help identify user finger positions from data obtained from sensor 20.

Templates can assist classification algorithm (or classifier) 285 in distinguishing boundaries between fingers when discontinuities are not necessarily apparent. For example, in FIG. 7A, the third and fourth user's fingers (fingers 3 and 4) are relatively close together (column 21, lines 15-22).

Regarding claim 15, Rafii et al. teach outputting the selected key value (routine 285 in essence moves or relocates the virtual keyboard to under the user's fingers.

Such procedure may be carried out by mapping the image obtained from sensor 20 to the fingers of the template, and then mapping the touched keys to the natural position for the user, which natural position was determined during the template construction phase (column 21, lines 35-41)) where the software or routine outputs the selected key value by mapping the touched keys to natural position for the user.

Regarding claim 16, Rafii et al. teach sensing the selection of a virtual button comprises arranging a plurality of sensors individually on the user's fingers and determining the position of those sensors relative to the virtual button (routine 285 in essence moves or relocates the virtual keyboard to under the user's fingers. Such procedure may be carried out by mapping the image obtained from sensor 20 to the fingers of the template, and then mapping the touched keys to the natural position for the user, which natural position was determined during the template construction phase (column 21, lines 35-41)) wherein the sensor 20 detects the position of the user's finger when touched and the routine 285 maps the image obtained from the rays of the sensor to the fingers of the template.

Regarding claim 17, Rafii et al. teach the plurality of stored key values are stored by mapping key values to respective predefined virtual buttons and a predefined order of the user's fingers used to select the predefined button (the user's fingers are placed in a typing position in the work surface in front of three-dimensional sensor 20, either on a virtual keyboard or simply on the work surface. This step is used to map the user fingers to the elements of the template and to calibrate the user's fingers to the keys of the virtual keyboard (or work surface) before a typing session starts (column 20,

lines 27-33)) wherein the software or routine maps the predefined positions to the virtual keyboard.

Regarding claim 18, Rafii et al. teach the virtual buttons are arranged so that the key values are ordered by frequency of use (Turning now to operation of three-dimensional sensor 20, the sensor emits radiation of a known frequency and detects energy returned by surfaces of objects within the optical field of view (column 10, line 66 to column 11, line 2) wherein the sensor 20 emits radiation only when there is a number of keys being striped and depending on how many times a key or button is being pressed is the frequency of use.

Regarding claim 20, Rafii et al. teach the virtual buttons include key values that are defined by the user (When a key is actually struck (as perceived by the user's finger movement), the struck key may be highlighted using a different color or contrast. If the virtual keys are not in a correct rest position, the user can command the companion device to position the virtual keyboard or other input device in the proper starting position. For instance, if the user typically begins to key by placing the right hand fingers on home row J, K, L, and ":" keys, and the left fingers on F, D, S and A keys, the software will move the keys of the virtual keyboard to such a position (column 18, lines 47-56) wherein depending on the user's finger position, the software (285) maps the key value position to the virtual buttons.

Regarding claim 26, Rafii et al. teach a soft key (soft keyboard Fig.1B (105)) mapping method for mapping keys onto virtual buttons of a virtual keyboard (software or routine Fig.3 (285)) that are selected by a user's fingers upon which are individually

mounted a plurality of sensors (the sensor (20) comprises a plurality of rays (150) projected on each finger represent a plurality of sensors), the method comprising:

determining the number of sensors (the sensor Fig.1B (20) comprises a plurality of rays (150) projected on each finger represent the number of sensors));

allocating key values according to the number of sensors and mapping the allocated key values onto a first virtual button (the classifier uses this template to quickly map image in acquired frames to each user's fingers. As part of the template construction, preferably a mapping of the positions of the user's fingers to specific keyboard keys at a rest position is defined. For instance, routine 285 and CPU 270 can instruct the companion device 80 that, at rest, the user's left hand fingers touch the "A", "S", "D" and "F" keys, and the user's right hand fingers touch the "J", "K", "L", and ";" keys (column 20, lines 4-13)); and

repeating the determining, allocating and mapping for the remaining virtual buttons (three-dimensional sensor 20 will be repeatedly capturing the contour map of the user's fingers. The data thus captured will be placed, e.g., by software 285 in a table or matrix such as shown in FIGS. 7A-7O (column 20, lines 34-37)).

Regarding claim 27, Rafii et al. teach a virtual keyboard comprising a plurality of virtual buttons selectable by a user's fingers upon which are mounted a plurality of sensors, the virtual keyboard constructed by mapping key values onto each of the virtual buttons and arranging the virtual buttons according to a predetermined condition using a method (routine 285 in essence moves or relocates the virtual keyboard to under the user's fingers. Such procedure may be carried out by mapping the image

obtained from sensor 20 to the fingers of the template, and then mapping the touched keys to the natural position for the user, which natural position was determined during the template construction phase (column 21, lines 35-41)) wherein the software 285 is a code or routine which works with the memory 280 to store different finger positions of the user's hand) comprising:

determining the number of sensors (the sensor Fig.1B (20) comprises a plurality of rays (150) projected on each finger represent the number of sensors));

allocating key values according to the number of sensors and mapping the allocated key values onto a first virtual button (the classifier uses this template to quickly map image in acquired frames to each user's fingers. As part of the template construction, preferably a mapping of the positions of the user's fingers to specific keyboard keys at a rest position is defined. For instance, routine 285 and CPU 270 can instruct the companion device 80 that, at rest, the user's left hand fingers touch the ":"A", "S", "D" and "F" keys, and the user's right hand fingers touch the "J", "K", "L", and ":" keys (column 20, lines 4-13)); and

repeating the determining, allocating and mapping for the remaining virtual buttons (three-dimensional sensor 20 will be repeatedly capturing the contour map of the user's fingers. The data thus captured will be placed, e.g., by software 285 in a table or matrix such as shown in FIGS. 7A-7O (column 20, lines 34-37)).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9-11, 19, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,512,838 ("Rafii et al.") in view of US Patent Application No. 20050104869 ("Chung").

Regarding claims 7 and 19, Rafii et al. teach all the claimed limitations with the exception of providing the virtual buttons are arranged so that the key values are in alphabetical order.

However, Chung teaches as shown in FIG. 1b, "2" key has letters "ABC" imprinted thereon. Each number key has letters imprinted thereon, respectively. The alphabet is grouped into sets of 3 letters according to the alphabetical order.

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the key "2" that has the letters "ABC" as taught by Chung in the three-dimensional virtual keyboard disclosed by Rafii et al. because this would provide a method for character entry that the desired character can be entered separately on each of a real keypad entry mode and a virtual keypad entry mode according to the prescribed way although the identical key is pressed in each of both modes, by establishing separately the entry mode of a virtual keypad that maintains the state of an independent entry mode regardless of the entry mode of a real keypad and the key presses on a real keypad (paragraph 0017).

Regarding claims 9 and 21, Chung teaches each virtual button comprises two key values ("Q" and "Z" is allocated to "1" key due to the low frequency of use (Fig.1b) wherein the key "1" has two key values. Same motivation as claim 7.

Regarding claims 10 and 22, Chung teaches each virtual button comprises three key values (as shown in FIG. 1b, "2" key has letters "ABC" imprinted thereon. Each number key has letters imprinted thereon, respectively. The alphabet is grouped into sets of 3 letters according to the alphabetical order) wherein the Key "2" has three letter values. Same motivation as claim 7.

Regarding claims 11 and 23, Chung teaches each virtual button comprises four key values (in Fig.1c of the prior art, key "9" has a four key values (WXYZ). Same motivation as claim 7.

6. Claims 12, 13, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,512,838 ("Rafii et al.") in view of US Patent Application No. 20030193478 ("Ng et al.").

Regarding claims 12, 13, 24, and 25, Rafii et al. teach all the claimed limitations with the exception of providing each virtual button comprises five key values and six key values.

However, Ng et al. teach a visual mapping reduced keyboard Fig.1 (10) wherein key1 has 6 characters mapped to it (paragraph 0064) and key4 has 5 characters mapped to it (paragraph 0067).

Thus, it would have been obvious to a person of ordinary skill in the art at the

time the invention was made to utilize the five and six key values as taught by Ng et al. into the three-dimensional virtual keyboard disclosed by Rafii et al. because this would provide each key having at least one feature wherein the feature is a data value (paragraph 0010).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691.

Art Unit: 2629

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



Art Unit 2629

Date 8/7/2007



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600